

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ADIDAS AMERICA, INC., an Oregon corporation; **ADIDAS AG**, a foreign entity; **ADIDAS INTERNATIONAL MARKETING B.V.**, a foreign entity,

Plaintiffs,

v.

FOREVER 21 INC., a Delaware corporation, et al.,

Defendants.

No. 3:17-cv-00377-YY

**PERMANENT INJUNCTION AGAINST
DEFENDANT LEGEND FOOTWEAR INC.,
ON CONSENT**

MOSMAN, J.,

Having considered the Second Amended Complaint on file in this action, and Defendant Legend Footwear Inc. (“Legend Footwear”) having consented to the terms of the permanent injunction set forth below, this Court hereby finds as follows:

1. Plaintiffs adidas America, Inc., adidas AG, and adidas International Marketing B.V. (collectively, “adidas” or “Plaintiffs”) own and use the Three-Stripe trademark (the “Three-Stripe Mark”), which is covered by numerous valid U.S. Trademark Registrations, including Registration Nos. 870,136, 961,353, 1,815,956, 1,833,868, 2,016,963, 2,058,619, 2,278,589, 2,278,591, 2,284,308, 2,909,861, 2,999,646, 3,029,127, 3,029,129, 3,029,135, 3,063,742, 3,063,745, 3,087,329, 3,183,656, 3,183,663, 3,236,505, 3,842,177, 3,846,203 and 4,910,643.

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2. On October 13, 2017, adidas filed its Second Amended Complaint in this action, claiming, *inter alia*, that Legend Footwear was designing, sourcing, manufacturing, distributing, marketing, promoting, offering for sale, and/or selling the footwear depicted below, which adidas alleges bears a confusingly similar imitation of adidas's federally registered Three-Stripe Mark (the "Disputed Footwear"):



3. Legend Footwear accepted service of the Summons and Second Amended Complaint on November 24, 2017, and filed its Answer to Plaintiffs' Second Amended Complaint, Affirmative Defenses and Counterclaim on December 14, 2017. Legend Footwear then filed its First Amended Answer to Plaintiffs' Second Amended Complaint, Affirmative Defenses and Counterclaim on December 22, 2017.

4. The Court has jurisdiction over the subject matter of this action and over Legend Footwear, and venue in this action is proper in this judicial district.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Legend Footwear and all of its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Legend Footwear, or in concert or participation with Legend Footwear, and each of them, are **PERMANENTLY ENJOINED and RESTRAINED**, from:

- a. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling the Disputed Footwear; and
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- b. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling any other footwear bearing the Three-Stripe Mark or any other confusingly similar imitation of adidas's Three-Stripe Mark, including, without limitation, any footwear with one additional stripe (i.e., four stripes) or less one of the three stripes (i.e, two stripes).
2. This Court shall have continuing jurisdiction to enforce the provisions of the permanent injunction entered herein.
3. The Clerk shall enter final judgment for Plaintiffs as to all claims asserted against Legend Footwear in adidas's Second Amended Complaint, with Plaintiffs and Legend Footwear each bearing its own costs, including attorneys' fees.

IT IS SO ORDERED.

This 26 day of February, 2018.

/s/ Michael W. Mosman
Michael W. Mosman
Chief United States District Court
Judge for the District of Oregon